

VIRGINIA BOARD OF NURSING
Minutes
September 14, 2011

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:05 A.M. on September 14, 2011 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS

PRESENT: Patricia M. Selig, RN, FNP, PhD; President
Evelyn Lindsay, LPN, Secretary
Allison Gregory, RN, LNP
Louise D. Hartz, Citizen Member
Patricia C. Lane, RN, BSN
Trula Minton, MS, RN
Karen K. Schultz, PhD, MBA, Citizen Member
William Traynham, LPN

BOARD MEMBER ABSENT:

Jane R. Ingalls, RN, CNS, PhD

STAFF PRESENT:

Jay P. Douglas, RN, MSM, CSAC, Executive Director
Brenda Krohn, R.N., M.S., Deputy Executive Director
Amy Davis, Executive Assistant

OTHERS PRESENT:

Rachel Baer, Assistant Attorney General

**ESTABLISHMENT OF
A QUORUM:**

With eight members of the Board present, a quorum was established.

CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS:

Kimberly M. Haywood, RN 0001-198567
Ms. Haywood appeared.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:15 A.M., for the purpose of consideration of an agency subordinate recommendation. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Krohn, Ms. Davis and Ms. Baer attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 9:22 A.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public

business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Lane moved to accept the recommended decision of the agency subordinate to take no action against Kimberly Haywood contingent upon her entry into a contact with the Health Practitioners Monitoring Program within 45 days of the entry of the Board's order and upon her continued compliance with a contract with the Health Practitioners Monitoring Program for the period specified by the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

Laura Harvell, RN, 0001-153611

Ms. Harvell did not appear.

Ms. Gregory moved that the Board of Nursing accept the recommended decision of the agency subordinate to accept the voluntary surrender for indefinite suspension of the professional nursing license of Laura Harvell until such time as she can appear before the Board and demonstrate that she is capable of resuming the safe and competent practice of professional nursing. The motion was seconded and carried. Dr. Selig, Ms. Lindsay, Ms. Gregory, Ms. Hartz, Ms. Lane, Dr. Schultz and Mr. Traynham were in favor of the motion. Ms. Minton abstained from voting.

Celestine Moye, LPN 0002-046889

Ms. Moye did not appear.

Ms. Gregory moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the license of Celestine Moye to practice practical nursing until such time as she can demonstrate to the Board that she is capable of resuming the safe and competent practice of practical nursing. The motion was seconded and carried unanimously.

Susan Harriman Shah, LPN 0002-032900

Ms. Shah did not appear.

Ms. Gregory moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the right of Susan Shah to renew her license to practice practical nursing until such time as she can appear before the Board and demonstrate that she is capable of resuming the safe and competent practice of nursing.

The motion was seconded and carried unanimously.

Jennifer L. Johnson, LPN 0002-058174

Ms. Johnson did not appear.

Ms. Gregory moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the right of Jennifer Johnson to renew her license to practice practical nursing for not less than two years and until such time as she can demonstrate that she is able to resume the safe and competent practice of practical nursing.

The motion was seconded and carried unanimously.

Faith Garnett, CNA 1401-11782

Ms. Garnett did not appear.

Ms. Gregory moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the certificate of Faith Garnett to practice as a nurse aide in Virginia and to enter a finding of abuse against her in the Nurse Aide Registry.

The motion was seconded and carried unanimously.

Amanda Ramsey, CNA 1401-105130; RMA 0031-002423

Ms. Ramsey did not appear.

Ms. Gregory moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the certificate of Amanda Ramsey to practice as a nurse aide and to indefinitely suspend the registration of Ms. Ramsey to practice as a medication aide in Virginia for not less than two years and until such time as Ms. Ramsey can provide evidence that she is safe and competent to return to practice as a nurse aide and/or as a medication aide. The motion was seconded and carried unanimously.

Sophia Howard, CNA 1401-074996; RMA 0031-002433

Ms. Howard did not appear.

Ms. Gregory moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Sophia Howard.

The motion was seconded and carried unanimously.

Sandra Willis, RMA 0031-000005

Ms. Willis did not appear.

Ms. Gregory moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the right to renew the medication aide registration of Sandra Willis. The motion was seconded and carried unanimously.

Heather Eaton, CNA 1401-106906; RMA 0031-002063

Ms. Eaton did not appear.

Ms. Gregory moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the certificate of Heather Eaton to practice as nurse aide and enter a finding of abuse against her in the Nurse Aide Registry and further revoke the registration of Ms. Eaton to practice as a medication aide.

The motion was seconded and carried unanimously.

Meghan A. Evans, LPN 0002-070018

Ms. Evans did not appear.

Ms. Gregory moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the practical nursing license of Meghan Evans for not less than two years and until such time as she can

demonstrate that she is able to resume the safe and competent practice of practical nursing.

The motion was seconded and carried unanimously.

Carolyn Karcher, RN 0001-161125

Ms. Karcher did not appear.

Ms. Gregory moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the right of Carolyn Karcher to renew her license to practice as a professional nurse for not less than two years and until such time as she can demonstrate that she is able to return to the safe and competent practice of professional nursing.

The motion was seconded and carried unanimously

Cynthia G. Sparks, RN 0001-086494

Ms. Sparks did not appear.

Ms. Gregory moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Cynthia Sparks and require Ms. Sparks to complete the National Council of State Boards of Nursing online courses “Documentation: A Critical Aspect of Client Care” and “Ethics of Nursing Practice” within 45 days of the date of entry of the order. The motion was seconded and carried unanimously

Kelly L. Faulknier, LPN 0002-067369

Ms. Faulknier did not appear.

Ms. Gregory moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the license of Kelly Faulknier until such time as she can demonstrate that she is capable of resuming the safe and competent practice of nursing.

The motion was seconded and carried unanimously

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:30 A.M., for the purpose of consideration of agency subordinate recommendations. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Krohn, Ms. Davis and Ms. Baer attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 9:46 A.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Courtney Rosso, RN 0001-222873

Ms. Rosso did not appear.

Mr. Traynham moved that the Board of Nursing accept the recommended decision of the agency subordinate to impose no sanction against Courtney Rosso. The motion was seconded and carried unanimously.

Frances E. Williams, RN Multistate Privilege (MD license R104563)

Ms. Williams did not appear.

Ms. Lane moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Frances Williams and assess a monetary penalty of \$500 to be paid to the Board within 60 days of entry of the Order. The motion was seconded and carried unanimously.

Sarah Drenning, CNA 1401-113824

Ms. Drenning did not appear.

Mr. Traynham moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the certificate of Sarah Drenning to practice as a nurse aide in Virginia and enter a finding of abuse against her in the Nurse Aide Registry.

The motion was seconded and carried unanimously

Alice W. Hartless, LPN 0002-064243

Ms. Hartless did not appear.

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Alice Hartless and require that Ms. Hartless complete the National Council of State Boards of Nursing online course “Ethics of Nursing Practice” and pay a monetary penalty of \$200 both to be completed within 45 days of entry of the order. The motion was seconded and carried unanimously.

Desta A. Burch, LPN 0002-081959

Ms. Burch did not appear.

Dr. Schultz moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Desta Burch and require Ms. Burch to complete the National Council of State Boards of Nursing online course :Documentation: A Critical Aspect of Client Care within 45 days of the date of entry of the order. The motion was seconded and carried unanimously.

Donna E. Allen, RN 0001-079092

Ms. Allen did not appear.

Mr. Traynham moved that the Board of Nursing accept the recommended decision of the agency subordinate to order Donna Allen to have an evaluation by a mental health specialist satisfactory to the Board and have a written report of the evaluation, including a diagnosis, a recommended course of therapy, and a prognosis sent to the Board within 45 days from the date the order is entered. Further to recommend that the Board order Ms Allen to comply with any

recommendations of the specialist, and upon receipt of the required information, the Board may request that Ms. Allen reappear before a Special Conference Committee in order to consider the specialist's recommendations and to make a final disposition of the matter. The motion was seconded and carried unanimously.

Darcy Y. Felder, LPN 0002-077809

Ms. Felder did not appear.

Mr. Traynham moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the practical nursing license of Darcy Felder and require Ms. Felder pay a monetary penalty of \$200. The license of Ms. Felder shall be suspended until such time as she pays the monetary penalty and can demonstrate that she is capable of resuming the safe and competent practice of practical nursing. The motion was seconded and carried unanimously.

ADJOURNMENT:

The Board adjourned at 9:50 A.M.

Brenda Krohn, R.N., M.S.
Deputy Executive Director

VIRGINIA BOARD OF NURSING

**Formal Hearings
September 14, 2011**

Panel – A

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 1:00 P.M. on September 14, 2011 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

**BOARD MEMBERS
PRESENT:** Patricia M. Selig, RN, FNP, PhD; President
Allison Gregory, RN, LNP
Louise D. Hartz, Citizen Member
Jeanne Holmes, Citizen Member
Trula Minton, MS, RN

STAFF PRESENT: Jodi P. Power, RN, JD, Deputy Executive Director
Gloria Mitchell, RN, MSN, MBA; Deputy Executive Director
Krystal Blanton, Senior Discipline Specialist

OTHERS PRESENT: Rachel Baer, Assistant Attorney General

**ESTABLISHMENT OF
A QUORUM:** With five members of the Board present, a quorum was established.

FORMAL HEARINGS: **Christina Absher, RMA 0031-003607**
Ms. Absher did not appear.

James Rutkowski, Adjudication Specialist, represented the Commonwealth. Ms. Baer was legal counsel for the Board. Cheri Thomas, court reporter, recorded the proceedings.

Rachel Shaw, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Ms. Hartz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:09 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Absher. Additionally, Ms. Hartz moved that Ms. Power, Ms. Mitchell, Ms. Blanton and Ms. Baer attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 1:48 P.M.

Ms. Hartz moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting

requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Minton moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Rutkowski and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Gregory moved that the Board of Nursing issue an order revoking the right to renew the medication aide registration of Christine Absher.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS:

The Board recessed at 1:54 P.M.

RECONVENTION:

The Board reconvened at 2:05 P.M.

FORMAL HEARINGS:

Mindy Sanyang, CNA Reinstatement Applicant 1401-118764

Ms. Sanyang appeared.

Anne Joseph, Deputy Director, Administrative Proceedings Division represented the Commonwealth. Ms. Baer was legal counsel for the Board. Cheri Thomas, court reporter, recorded the proceedings.

Kevin Pultz, Senior Investigator, Department of Health Professions; and Cecile Custer, Senior Investigator, Department of Health Professions were present and testified.

CLOSED MEETING:

Ms. Hartz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:00 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Sanyang. Additionally, Ms. Hartz moved that Ms. Power, Ms. Mitchell, Ms. Blanton and Ms. Baer attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 3:25 P.M.

Ms. Hartz moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Gregory moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Joseph and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Holmes moved that the Board of Nursing issue an order to deny reinstatement of the certificate of Mindy Sanyang to practice as nurse aide and further revoke the right to renew the certificate of Ms. Sanyang with a finding of misappropriation entered against her in the Nurse Aide Registry.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT:

The Board adjourned at 3:30 P.M.

Gloria Mitchell, RN, MSN, MBA
Deputy Executive Director

VIRGINIA BOARD OF NURSING

**Formal Hearings
September 14, 2011**

Panel – B

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 10:05 A.M. on September 14, 2011 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

**BOARD MEMBERS
PRESENT:** Evelyn Lindsay, L.P.N., Secretary
John M. Horn, LPN
Florence Jones-Clarke, RN, MS
Patricia C. Lane, RN, BSN
Karen K. Schultz, PhD, MBA
William Traynham, LPN

STAFF PRESENT: Jay P. Douglas, RN, MSM, CSAC; Executive Director
Brenda Krohn, RN, MS; Deputy Executive Director
Amy Davis, Executive Assistant
Latasha Austin, Administrative Assistant (joined later)

OTHERS PRESENT: Ishneila Moore, Assistant Attorney General
Nursing students from Riverside School of Professional Nursing, Germanna Community College; and Bon Secours School of Nursing

**ESTABLISHMENT OF
A QUORUM:** With six members of the Board present, a quorum was established.

FORMAL HEARINGS: **Kimberly T. Burton, RMA 0031-002536**
Ms. Burton appeared, accompanied by her husband, Kevin Burton.

Olivia Exterovich, Adjudication Specialist, represented the Commonwealth. Ms. Moore was legal counsel for the Board. Lanieda Briggs, court reporter, recorded the proceedings.

Kelli Moss, Senior Investigator, Department of Health Professions; Tammy Brisbane, LPN, Director of Nursing, Chestnut Grove Assisted Living Facility; Yolanda Battle, Caregiver, Chestnut Grove Assisted Living Facility; Nicole Hardison, CNA, Chestnut Grove Assisted Living Facility; Tamara Austin, Direct Care Trainer, Chestnut Grove Assisted Living Facility; Jessica Parsley, CNA, Chestnut Grove Assisted Living Facility; Joslyn Dowling, CNA, Chestnut Grove Assisted Living Facility; Keondra Pate, RMA, daughter of Ms. Burton; and Kevin Burton, husband of Ms. Burton were present and testified.

RECESS: The Board recessed at 11:55 A.M.

RECONVENTION: The Board reconvened at 12:05 P.M.

CLOSED MEETING: Dr. Schultz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:04 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Burton. Additionally, Dr. Schultz moved that Ms. Douglas, Ms. Krohn, Ms. Davis and Ms. Moore attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 1:36 P.M.

Dr. Schultz moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

Ms. Lane moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Exterovich and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Mr. Traynham moved that the Board of Nursing reinstate the medication aide registration of Kimberly Burton and further reprimand Ms. Burton and require her to complete a Department of Social Services approved 40-hour direct care course within 60 days of entry of the order. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 1:40 P.M.

RECONVENTION: The Board reconvened at 2:19 P.M.

Ms. Austin joined the meeting. Ms. Davis left the meeting.

FORMAL HEARINGS: **Frank Hicks, CNA Reinstatement Applicant 1401-094033**
Mr. Hicks appeared.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Ms. Moore was legal counsel for the Board. Lanieda Briggs, court reporter, recorded the proceedings.

Patricia Sheehan, Senior Investigator, Department of Health Professions was present and testified.

Ms. Douglas and Ms. Davis rejoined the meeting.

CLOSED MEETING: Dr. Schultz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:14 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Hicks. Additionally, Dr. Schultz moved that Ms. Douglas, Ms. Krohn, Ms. Austin, Ms. Davis and Ms. Moore attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 3:44 P.M.

Dr. Schultz moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Lane moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones and amended by the Board.

The motion was seconded and carried unanimously.

ACTION: Mr. Horn moved that the Board of Nursing reinstate the nurse aide certificate of Frank Hicks and issue a reprimand. The motion was seconded and carried. Ms. Lindsay, Mr. Horn, Ms. Jones-Clarke, Ms. Lane and Mr. Traynham were in favor of the motion. Dr. Schultz opposed the motion.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT: The Board adjourned at 3:48 P.M.

Brenda Krohn, RN, MS
Deputy Executive Director